

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC., §
§
Plaintiff, §
§
v. § Case No. 2:22-cv-00203-JRG-RSP
§
MICRON TECHNOLOGY, INC. *et al.*, §
§
Defendants. §

ORDER

Before the Court is the Joint Notice Regarding Remaining Trial Exhibit Disputes filed by Plaintiff Netlist, Inc. and Defendants Micron Technology Texas LLC et al. Dkt. No. 469. Within the notice, the parties identify PX-011 and PX-031 as the remaining disputed exhibits. Dkt. No. 469 at 1. PX-031 is also subject to a separate Motion Requesting Admission of PX-031 filed by Netlist. Dkt. No. 443. Micron's objections to PX-011 are contained in the Notice with Netlist's responsive arguments. Dkt. No. 469 at 1–7. The Court carries consideration of admission of PX-031 until briefing has been completed on January 30, 2024.

Regarding PX-011, the Court overrules Micron's objections to entry of PX-011. In reaching a ruling on Micron's Motion for Summary Judgment regarding pre-suit damages, the Court determined that PX-011, the April 28, 2021 letter was relevant. Dkt. No. 429 at 8. The Court now finds that the letter is admissible. Netlist offered a redacted version of the letter, but Micron objected to using a redacted version. In the interest of completeness, the Court orders that the unredacted copy preferred by Micron be used. See Dkt. No. 469-3. However, the use of the

unredacted letter (with its references to IPR proceedings) will not serve as a basis for opening the door for either party to offer further evidence regarding IPR proceedings.

SIGNED this 30th day of January, 2024.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE